

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LOUCHART,

Petitioner,

v.

Case No. 08-20133

UNITED STATES OF AMERICA,

Hon. Nancy G. Edmunds

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

On August 2, 2016, this Court denied Petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2255. (Dkt. 139.) The matter has now returned to the Court because the Sixth Circuit has requested that the Court consider whether Petitioner is entitled to a certificate of appealability. He is not.

The Court may issue a certificate of appealability if the petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

[T]he petitioner need not show that he should prevail on the merits. He has already failed in that endeavor. Rather, he must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner] or that the questions are "adequate to deserve encouragement to proceed further."

Barefoot v. Estelle, 463 U.S. 880, 893 n. 4 (1983) (internal citations omitted); *see also Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

In the Order denying Petitioner's application for a writ of habeas corpus, this Court concluded that the claims in Petitioner's petition failed to demonstrate a violation of a constitutional or federal right. The Court now finds that reasonable jurists could not debate its conclusions on those claims. Therefore, the Court DENIES a certificate of appealability.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: February 2, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 2, 2017, by electronic and/or ordinary mail.

s/Carol J. Bethel
Case Manager